court to prevent a disturbance regardless of what may be the conflicting interest.

CRIMINAL LAW—COMMENCEMENT OF TERM OF IMPRISONMENT.—A United States marshal surrendered a prisoner convicted of assault with intent to kill and whom he was conducting to the United States penitentiary at Fort Leavenworth, to another U. S. marshal by whom he was detained for trial for robbery of the mail. His first sentence was for five years. For the second offense he was sentenced for life in the U. S. penitentiary at Columbus. This sentence was afterwards reduced to five years imprisonment by the president. Upon his release from Columbus he was brought to U. S. penitentiary at Fort Leavenworth, to serve his original sentence. On *habeas corpus*, *Held*, that the prisoner's first sentence began to run at the time the marshal should have performed his duty and committed him to the proper custody; and that in contemplation of law he has been serving out the first sentence and is entitled to the allowance for good behavior. *In re Jennings* (1902), 118 Fed. Rep. 479.

In the course of the opinion the court says: "No ministerial officer by disobeying the mandate of the court could suspend the operation of the sentence it imposed. The prisoner passes by virtue of the sentence into a custody different from that of the court in which he was convicted." Such appears to be a concise statement of the law upon this subject. Were it otherwise a ministerial officer would be able to destroy the power of the courts in the execution of their commands. That a ministerial officer cannot suspend the operation of an order of the court is held by *Ex Parte Nixon*, 2 S. C. (2 Rich.) 4. That the term of imprisonment begins to run immediately is sustained by *Ex parte Roberts*, 9 Nev. 44, 16 Am. Rep. 1; *U. S.* v. *Patterson*, 29 Fed. Rep. 775; *In re Fuller*, 34 Neb. 581, 52 N. W. 577.

CRIMINAL LAW—DEPRIVING OF NECESSARY SUSTENANCE—MEDICINE.—A father because of religious belief, refused his sick child medicine, nor would he provide medicine for any of his family during sickness. In a prosecution under a statute making it a misdemeanor to deprive a child of necessary sustenance, *Held*, that necessary sustenance does not include medicine. *Justice* v. *State* (1902), — Ga. —, 42 S. E. Rep. 1013.

Whether medicine is a part of necessary sustenance is a question upon which the authorities divide. Sustenance should include maintenance and support. ANDERSON'S DICTIONARY OF LAW; *Jemerson* v. *State of Georgia*, 80 Ga. 111. In sickness medicine is often as necessary to the sustenance of life as food itself, and the term should apply to both sickness and health. That medicine is a necessary is established by the great weight of authority. SCHOULER, DOM. REL. sec. 411; RODGERS, DOM. REL. sec. 448; AMER. & ENG. ENCYC. OF LAW, Vol. XV, p. 877; *McClallen* v. *Adams*, 19 Pick. 333; *Reed* v. *Crissey*, 63 Mo. App. 184; *Seybold* v. *Morgan*, 43 Ill. App. 39; *Rogers* v. *Turner*, 59 Mo. 116; *Matter of Igglesden*, 3 Redfield 375. That medicine is a part of necessary sustenance and support is sustained by *May* v. *Smith*, 48 Ala. 483; *Wall* v. *Williams*, 93 N. Car. 327, 53 Am. Rep. 458; AMER. & ENG. ENCYC. OF LAW, Vol. 24, note at p. 706. Upon principle this view seems correct, but it is denied in *Grant* v. *Dabney*, 19 Kan. 389, 27 Am. Rep. 125.

DEEDS—COVENANTS THAT RUN WITH THE LAND.—S sold certain land to H with covenants against incumbrances. H sold the same land to B with like covenants. B brings action against S for breach of the covenants in the deed from S to H. *Held*, that such action would not lie. *Sears* v. *Broady* (1902), — Neb. —, 92 N. W. Rep. 214.

The question involved was whether covenants against incumbrances run with the land. In view of previous decisions in Nebraska it was held that